

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRADLEY T. PETERSON,

Plaintiff,

Case No. 18-cv-12838
Hon. Matthew F. Leitman

v.

RYAN SMITH,

Defendant.

**ORDER (1) CONDITIONALLY APPOINTING COUNSEL, (2) DENYING
PLAINTIFF'S MOTION TO SET TRIAL DATE (ECF No. 74) WITHOUT
PREJUDICE, AND (3) STAYING CASE**

In this action, Plaintiff Bradley T. Peterson, appearing *pro se*, brings an excessive force claim against Defendant Ryan Smith, a police officer with the City of Woodhaven Police Department. (*See* Compl., ECF No. 1.) The case is now set for trial. (*See* Certificate of Completion, ECF No. 74.)

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. *See Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993). However, this district has a procedure in which cases are referred to a *Pro Bono* Committee that requests members of the bar to assist in appropriate cases. This Court believes that Peterson would benefit from the assistance of appointed *pro bono* counsel for the purposes of assisting him at trial.

Accordingly, this case is **REFERRED** to the *Pro Bono* Committee. Peterson is conditionally granted appointment of counsel provided that the committee is successful in enlisting *pro bono* counsel. The Court will also **STAY** this action for a period of **28 days** while the committee attempts to obtain *pro bono* counsel. If *pro bono* counsel is not obtained within 28 days, the stay will be lifted, counsel will not be appointed, and Peterson will need to proceed *pro se* at trial if he cannot retain counsel at his own expense.

Finally, now pending before the Court is Peterson's motion to set a trial date. (See Mot., ECF No. 74.) The Court **DENIES** that motion **WITHOUT PREJUDICE**. Upon the completion of the *Pro Bono* Committee's efforts to find trial counsel for Peterson, the Court will promptly set a status conference with all parties to set a mutually convenient trial date.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 11, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 11, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126